

## Notice of Allowability

Application No.

10/721,672

Examiner

Robyn Doan

Applicant(s)

LLOYD, LISA V.

Art Unit

3732

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Examiner's Amendment.
2. ☒ The allowed claim(s) is/are 23, 25-28 (renumbered as 1-5).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20070903.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Levy on 9/04/07.

The application has been amended as follows:

#### **Amendments to the Specification:**

Kindly amend the paragraph beginning on page 7, line 19 as follows:

--Figure 1 is a perspective view of the improved snap clip of the present invention, shown generally at reference numeral 18. The lower portion 12 of the clip 18 has a plurality of comb-like, spaced apart teeth. In the preferred embodiment, a first tooth 15, second tooth 16 and third tooth 17 are provided, as shown, but any number of teeth, greater than one, can be used in the snap clip 18. Each tooth 15, 16, 17 has a free end that remains free at all times. Moreover, the teeth need not be the same length. A flexible upper portion 10 is the same length as the lower portion 12 when the clip 18 is in the closed position, as shown in Figure 1. Connecting the upper portion 10 and the lower portion 12 of the clip 18 is a living hinge 9, well known in the art. The upper portion 10 is concave.—

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Claim 23 (currently amended): A one-piece flexible hair clip and comb combination for styling and holding all, or sections of hair comprising:

a) means for gathering the upper portion of hair in position and holding the hair in a desired position;

b) means for a combing action and holding larger amounts of hair in place, integrally connected to said means for gathering the upper portion of hair and holding the hair in a desired position;

c) wherein said means for a combing action and holding larger amounts of hair in place comprises a bottom lower portion with a plurality of planar teeth of spring-like material, each of said teeth having a free end, wherein each of said teeth extending extends parallel to the length of said means for gathering the upper portion of hair, each of said free ends of said teeth remaining free at all times; a plurality of protuberances formed on an interior side of said upper portion, providing additional hold of gathered hair in closed position of said hair clip;

d) wherein said lower portion is at least as long as said upper portion;

e) wherein said planar teeth of said lower portion extend laterally beyond the periphery of said upper portion; and

f) wherein said means for gathering the upper portion of hair in position and holding the hair in a desired position comprises a top upper portion of spring-like material that is operable flexible between a stable convex open position and a stable concave closed position.

Claim 28 (currently amended): A one-piece flexible hair clip and comb combination for styling and holding sections of hair comprising:

a) an upper portion of spring-like material is operable flexible between a stable convex open position and a stable concave closed position;

b) a lower portion of spring-like material, with a plurality of planar teeth extending parallel to the length of said upper portion, facilitating a combing action and holding larger amounts of hair in place, said lower portion being integrally connected to said upper portion, said lower portion being at least as long as said upper portion, said lower portion extending laterally beyond the periphery of said upper portion;

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c) a plurality of planar teeth in said lower portion forming a comb, each of said teeth having a free end;

d) a plurality of protuberances formed on an interior side of said upper portion, providing additional hold of gathered hair in closed position of said hair clip, wherein each of said ends of said plurality of planar teeth remains free at all times.

The following is an examiner's statement of reasons for allowance: none of prior art of record taken alone or in combination shows a one piece hair comb/clip having an upper portion being flexible between a concave and convex position and a lower portion having a plurality of teeth extending laterally beyond the periphery of the upper portion and wherein each of the teeth having a free end and each of the free ends remaining free at all time.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Doan whose telephone number is (571) 272-4711. The examiner can normally be reached on Mon-Fri 8:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached on (571) 272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robyn Doan/  
Primary Examiner  
Art Unit 3732

rkd  
September 4, 2007